

**To:** Vranka, Joe[vranka.joe@epa.gov]  
**From:** Murray, Bill  
**Sent:** Thur 11/30/2017 11:04:10 PM  
**Subject:** RE: Council Letter asking for EPA presentation

## Ex. 5 - Deliberative Process

Thank you,

Joe

**From:** Palmer, Dave [<mailto:dpalmer@bsb.mt.gov>]  
**Sent:** Thursday, November 30, 2017 9:24 AM

**To:** Vranka, Joe <[vranka.joe@epa.gov](mailto:vranka.joe@epa.gov)>; Elsen, Henry <[Elsen.Henry@epa.gov](mailto:Elsen.Henry@epa.gov)>  
**Cc:** Sesso, Jon <[jsesso@bsb.mt.gov](mailto:jsesso@bsb.mt.gov)>  
**Subject:** FW: Council Letter asking for EPA presentation

Joe and Henry,

I believe there must have been a breakdown in communications. Please read the attached letter from Commissioner Fisher requesting an appearance from the EPA representatives.

Thank you

Dave Palmer

**From:** Sesso, Jon  
**Sent:** Tuesday, October 24, 2017 9:58 AM  
**To:** Vranka, Joe <[vranka.joe@epa.gov](mailto:vranka.joe@epa.gov)>; Elsen, Henry <[Elsen.Henry@epa.gov](mailto:Elsen.Henry@epa.gov)>  
**Cc:** Palmer, Dave <[dpalmer@bsb.mt.gov](mailto:dpalmer@bsb.mt.gov)>; Maffei, Mollie <[mmaffei@bsb.mt.gov](mailto:mmaffei@bsb.mt.gov)>; Joyce, Eileen <[ejoyce@bsb.mt.gov](mailto:ejoyce@bsb.mt.gov)>; Commissioners <[Commissioners@bsb.mt.gov](mailto:Commissioners@bsb.mt.gov)>; Sesso, Jon <[jsesso@bsb.mt.gov](mailto:jsesso@bsb.mt.gov)>; Sullivan, Karen <[ksullivan@bsb.mt.gov](mailto:ksullivan@bsb.mt.gov)>; Schultz, David <[dschultz@bsb.mt.gov](mailto:dschultz@bsb.mt.gov)>; Hassler, Eric <[ehassler@bsb.mt.gov](mailto:ehassler@bsb.mt.gov)>; Crain, Julia <[jcrain@bsb.mt.gov](mailto:jcrain@bsb.mt.gov)>  
**Subject:** Re: Council Letter asking for EPA presentation

Joe, Henry,

Just to make sure there is no breakdown in communications, please see the attached Council

Communication 17-531, a letter from Commissioner Fisher, endorsed unanimously by the full Council on October 18, 2017, asking that ranking EPA officials make a presentation at the Council to explain, in summary, what's going on with the IG Report on Superfund and actions associated with the West Side Soils.

Previously, Deputy County Attorney Maffei had sent a draft of the letter to EPA, via Henry, and we appreciate his response. Also, I had mentioned the letter to you, Joe, at the meeting last Tuesday, which started the discussion about West Side Soils. Also, thanks for the information you sent regarding EPA answers to the media request on this topic (see email string below).

As a follow-up to those communications, herewith the official Council letter and the request from BSB for EPA to make a formal presentation on the matter. Please check your availability, and let us know when you would be able to attend a Wednesday night meeting in the near future, and we will make the arrangements to get your presentation on the Council agenda.

Thank you for your attention to this urgent matter.

Jon

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**From:** Vranka, Joe <[vranka.joe@epa.gov](mailto:vranka.joe@epa.gov)>  
**Sent:** Wednesday, October 18, 2017 11:03:25 AM  
**To:** Sesso, Jon  
**Subject:** RE: media request

Sorry Jon. I sent the wrong one trying to do it from my iPhone. Below is the response to the Montana Standard on West Side Soils. Attached is the email response to Dr. Ray on West Side Soils and an additional response to the Montana Standard. Sorry for the confusion.

Joe

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**From:** "Moler, Robert" <[Moler.Robert@epa.gov](mailto:Moler.Robert@epa.gov)>  
**Date:** October 16, 2017 at 2:57:24 PM MDT  
**To:** Susan Dunlap <[Susan.Dunlap@mtstandard.com](mailto:Susan.Dunlap@mtstandard.com)>  
**Cc:** "Vranka, Joe" <[vranka.joe@epa.gov](mailto:vranka.joe@epa.gov)>, "Mylott, Richard" <[Mylott.Richard@epa.gov](mailto:Mylott.Richard@epa.gov)>, "Greene, Nikia" <[Greene.Nikia@epa.gov](mailto:Greene.Nikia@epa.gov)>  
**Subject:** RE: west side soils media inquiry

Hi Susan, here is our response to your inquiry regarding West Side Soils. Let me know if you have further questions. Thank you for the opportunity to contribute to your story.

**I understand that EPA is going to begin the remedial investigation into West Side Soils Priority Unit in fall 2018. Can EPA confirm that?**

Yes, EPA is reviewing existing data and is scheduled to begin further remedial investigations (RI) into West Side Soils Operable Unit June 2018.

**How long would that be likely to take?**

The RI timeline can change depending on what is found on site in the initial data collection efforts. For example, further sampling may be required in some areas if significant contamination is found.

**As part of the RI, will EPA establish who the responsible party or parties are?**

Identifying Potentially Responsible Parties (PRPs) is a separate process than the RI but it occurs simultaneously. EPA will identify PRPs using a variety of methods including reviewing historical documents, sampling and investigating the site, and issuing "information request letters."

**Has a project manager been established? If not, will one be established before the RI begins?**

No Remedial Project Manager has been selected for the site at this point. An RPM will be established before the RI begins

**I assume the RI will establish the boundaries of West Side Soils. Can EPA confirm that?**

Yes. Superfund site boundaries are based on the presence of contamination. The RI will identify the nature and extent of contamination that may be on site.

**What will be some of the work for an RI in West Side Soils? Soil sampling?**

The RI is likely to include soil, groundwater, and surface water sampling.

**Will Blacktail Creek east of the Lexington Avenue bridge (boundary for BPSOU) be sampled? Will Blacktail Creek bed, bank and sediment be sampled east of Lexington Ave. bridge?**

The RI workplan will identify what areas will be sampled and may include areas east of

Lexington. The draft RI workplan will be finalized prior to the RI.

**Since so much of West Side Soils is comprised of personal property, how will EPA proceed?**

EPA will work with local agencies and the community for access agreements.

**Dr. John Ray is calling for the RMAP program to be fully implemented in West Side Soils. I know it is partially implemented there. Would it be possible for the RMAP program to be fully implemented in West Side Soils before the RI is complete?**

Expanding RMAP is an option EPA and Superfund stakeholders are currently evaluating.

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Robert Moler

Community Involvement Coordinator

EPA – Montana

406.457.5032

**From:** Susan Dunlap [<mailto:Susan.Dunlap@mtstandard.com>]

**Sent:** Friday, October 13, 2017 12:51 PM

**To:** Moler, Robert <[Moler.Robert@epa.gov](mailto:Moler.Robert@epa.gov)>; Mylott, Richard <[Mylott.Richard@epa.gov](mailto:Mylott.Richard@epa.gov)>

**Cc:** Vranka, Joe <[vranka.joe@epa.gov](mailto:vranka.joe@epa.gov)>

**Subject:** west side soils media inquiry

Hi Robert and Rich,

I understand that EPA is going to begin the remedial investigation into West Side Soils Priority Unit in fall 2018. Can EPA confirm that?

How long would that be likely to take?

As part of the RI, will EPA establish who the responsible party or parties are?

Has a project manager been established? If not, will one be established before the RI begins?

I assume the RI will establish the boundaries of West Side Soils. Can EPA confirm that?

What will be some of the work for an RI in West Side Soils? Soil sampling?

Will Blacktail Creek east of the Lexington Avenue bridge (boundary for BPSOU) be sampled?

Will Blacktail Creek bed, bank and sediment be sampled east of Lexington Ave. bridge?

Since so much of West Side Soils is comprised of personal property, how will EPA proceed?

Dr. John Ray is calling for the RMAP program to be fully implemented in West Side Soils. I know it is partially implemented there. Would it be possible for the RMAP program to be fully implemented in West Side Soils before the RI is complete?

Deadline Monday end of day.

Thanks,

susan

**Susan Dunlap**

Natural Resources Reporter

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[<image001.jpg>](#)

**From:** Sesso, Jon [<mailto:jsesso@bsb.mt.gov>]  
**Sent:** Wednesday, October 18, 2017 10:26 AM  
**To:** Vranka, Joe <[vranka.joe@epa.gov](mailto:vranka.joe@epa.gov)>  
**Subject:** Re: media request

Joe, There seems to be some confusion on this. The attachment you forwarded yesterday (below) from Moler is in regards to Anaconda sites. I was interested in receiving the information that EPA provided to the Montana Standard regarding the West Side Soils. There was a long article in today's paper regarding the information/Q&A that EPA provided for that story, including your intentions to start a "site characterization study" in summer 2018. If you would please send a copy of that information, it would be most appreciated. Thanks. Jon

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Messages and attachments sent to or from this email account pertaining to the City-County of Butte-Silver Bow business may be considered public or private records depending on the message content (Article II Section 9, Montana Constitution; 2-6 MCA).

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